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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,653	06/02/2006	Todd Garrett Simpson	037652.00045	7857
26712	7590	05/04/2009		
HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			EXAMINER LAM, VINH TANG	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/04/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,653

**Applicant(s)**

SIMPSON ET AL.

**Examiner**

VINH T. LAM

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 03/26/2009  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-12** and **14-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **MILLINGTON (US Pub. No. 2002/0067335)** in view of **King et al. (US Patent No. 6307549)**.

Regarding Claim **1**, (Currently amended) **MILLINGTON** teaches a text entry system, comprising:

a display visually divided into at least two functional areas, a first of the functional areas corresponding to a first aspect of entering text, and a second of the functional areas corresponding to a second aspect of entering text (Col. **2**, **[0020]**, FIG. **2**);

an indicator system operable by one human digit, the indicator system having at least a first cardinal state, a second cardinal state and a third cardinal state, the third cardinal state having no textual meaning associated with it (Col. **2**, **[0021]**, FIGs. **3 & 4**);

a processor responsive to each cardinal state, whereby the indicator system may be used to select options displayed in at least one of the functional areas (Col. **2**, **[0023]**, FIG. **5**);

a program controlling the processor so that text may be entered in response to a user selecting at least one of the options (Col. 2, [0023], FIG. 5).

However, **MILLINGTON** does not teach that the first and second functional areas display candidate and selected characters respectively and the display further comprises a stroke display area for displaying strokes identifiable by the first and second cardinal states.

In the same field of endeavor, **King et al.** teach that

wherein the first functional area displays candidate characters (i.e. 1310; Col. 25, Ln. 51-53, FIG. 12) and the second functional area displays selected characters (i.e. 1306; Col. 25, Ln. 44-46, FIG. 12); and

the display further comprises a stroke display area (i.e. 1308, Col. 25, Ln. 46-48, FIG. 12) for displaying strokes identifiable by the first and second cardinal states (i.e. words e.g. **ADF**, **OLX**, **NBZ**, and **EWV** or obviously number e.g. **8495**; FIG. 12).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of a text entry system comprising a display, an indicator system, a processor, and a program with **King et al.** teaching of the first functional area displays candidate characters and the second functional area displays selected characters, and a stroke display area displaying strokes identifiable by the first and second cardinal states in order to benefit of more convenient and faster system of text entry by having a display, an indicator system, a processor, a program, wherein the first functional area displays candidate characters

and the second functional area displays selected characters, and a stroke display area displaying strokes identifiable by the first and second cardinal states.

Regarding Claim 2, (Original) the text entry system of claim 1, wherein **MILLINGTON** teaches:

the first cardinal state is activated by applying a force to a first location (Col. 2, [0022], FIG. 4);

the second cardinal state is activated by applying a force to a second location (Col. 2, [0022], FIG. 4); and

the third cardinal state is activated by identifying a third location, the third location being located between the first location and the second location (Col. 2, [0022], FIGS. 2 & 4).

Regarding Claim 3, (Original) **MILLINGTON** and **King et al.** teach the text entry system of claim 2.

**MILLINGTON** and **King et al.** do not teach a symbol having both the first feature and the second feature is included in both the first category and the second category.

However, it is **well-known** in the art and it is an obvious **Design Choice** of using shortcut keys to execute certain actions, for example Ctrl+Alt+Del combination is used for turning on/off or logging in/out, for a benefit of alternatively executing action by utilizing shortcut keys.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of a text system comprising

the three cardinal states to a well-known teaching in the art of using shortcut keys in order to benefit of alternatively executing action by utilizing shortcut keys.

Regarding Claim 4, (Original) the text entry system of claim 2, wherein **MILLINGTON** teaches identifying the third location is accomplished by applying a force to the third location (Col. 2, [0022], FIG. 4).

Regarding Claim 5, (Original) the text entry system of claim 1, wherein **MILLINGTON** teaches the text entry system has a first mode and a second mode, wherein;

when the text entry system is in the first mode, the first cardinal state has a textual meaning associated with it (Col. 3, [0027], [0028], FIG. 2), and

when the text entry system in the second mode, the first cardinal state has a different meaning associated with it (Col. 3, [0029], FIG. 2).

Regarding Claim 6, (Original) the text entry system of claim 5, wherein **MILLINGTON** teaches the different meaning is a different textual meaning (Col. 3, [0029], FIG. 2).

Regarding Claim 7, (Original) the text entry system of claim 5, wherein **MILLINGTON** teaches the different meaning is not a textual meaning (Col. 3, [0030], FIG. 2).

Regarding Claim 8, (Original) the text entry system of claim 7, wherein **MILLINGTON** teaches the different meaning is a navigational meaning (Col. 3, [0030], FIG. 2).

Regarding Claim 9, (Original) the text entry system of claim 5, wherein **MILLINGTON** teaches moving from the first mode to the second mode is accomplished by applying a force to the third location (Col. 3, [0030], FIG. 2).

Regarding Claim 10, (Original) the text entry system of claim 5, wherein **MILLINGTON** teaches when the text entry system is in the first mode, the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text (Col. 3, [0027], [0029], FIG. 2).

Regarding Claim 11, (Original) the text entry system of claim 1, wherein **MILLINGTON** teaches the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text (Col. 3, [0027], [0029], FIG. 2).

Regarding Claim 12, (Original) the text entry system of claim 11, wherein **MILLINGTON** teaches the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text, wherein the first category of text includes symbols having a first feature and the second category &text includes symbols having a second feature (Col. 2, [0020], FIG. 2).

Regarding Claim 14, (Original) the text entry system of claim 1, wherein **MILLINGTON** teaches the indicator system includes a position indicator and selection of one &the cardinal states is accomplished by detecting a position of the position indicator (Col. 2, [0024], FIG. 6).

Regarding Claims 15 and 22, (Currently amended) **MILLINGTON** teaches a method of entering text, comprising:

providing a display having a first functional area and a second functional area (Col. 2, [0020], FIG. 2),

providing an indicator system operable by one human digit, the indicator system having a first cardinal state, a second cardinal state and a third cardinal state (Col. 2, [0021], FIGs. 3 & 4);

providing a processor operably connected to the indicator system (Col. 2, [0023], FIG. 5);

activating the first cardinal state to indicate to the processor selection of a first category of text to be entered, the first category including symbols used to create a plurality of text characters (Col. 2, [0020], [0023], FIGs. 2 & 5).

However, **MILLINGTON** does not teach that the first and second functional areas display candidate and selected characters respectively, the display further comprises a stroke display area for displaying symbols identifiable by the first and second cardinal states, and displaying in the stroke display area a symbol of the first category.

In the same field of endeavor, **King et al.** teach that

wherein the first functional area displays candidate characters (i.e. 1310; Col. 25, Ln. 51-53, FIG. 12) and the second functional area displays selected characters (i.e. 1306; Col. 25, Ln. 44-46, FIG. 12), and the display further comprises a stroke display area (i.e. 1308, Col. 25, Ln. 46-48, FIG. 12) for displaying symbols identifiable by the first and second cardinal states (i.e. words e.g. **ADF**, **OLX**, **NBZ**, and **EWV** or obviously number e.g. 8495; FIG. 12);



displaying in the stroke display area a symbol of the first category (i.e. **1308**, e.g. **done** and **doze**; Col. **25**, Ln. **46-48**, FIG. **12**).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of a text entry method providing a display having a first and a second functional areas, providing a processor connected to the indicator system, activating the first cardinal state to indicate to the processor selection of a first category of text to be entered, and the first category including symbols used to create a plurality of text characters with **King et al.** teaching of the first functional area displaying candidate characters, the second functional area displaying selected characters, a stroke display area displaying symbols identifiable by the first and second cardinal states, and displaying in the stroke display area a symbol of the first category in order to benefit of more convenient and faster method of text entry by having a method of providing a display having a first and a second functional areas, providing a processor connected to the indicator system, activating the first cardinal state to indicate to the processor selection of a first category of text to be entered, and the first category including symbols used to create a plurality of text characters, wherein the first functional area displaying candidate characters, the second functional area displaying selected characters, a stroke display area displaying symbols identifiable by the first and second cardinal states, and displaying in the stroke display area a symbol of the first category.

Regarding Claims **16** and **23**, (Original) the method of claims 15 and 22 respectively, **MILLINGTON** further teaches comprising displaying a representative

symbol, the representative symbol corresponding to the first category (Col. 2, [0020], FIG. 2).

Regarding Claims 17 and 24, (Original) the method of claims 15 and 22 respectively, **MILLINGTON** further teaches comprising displaying in the first functional area a text character having one of the, symbols corresponding to the first category (Col. 3, [0027], FIG. 2).

Regarding Claims 18 and 25, (Original) the method of claims 17 and 24 respectively, **MILLINGTON** further teaches comprising:

activating the second cardinal state to indicate to the processor selection of a second category of text to be entered the second category including symbols used to create a plurality of text characters (Col. 2, [0020], FIG. 2); and

displaying in the first functional area a text character having one of the symbols corresponding to the first category and one of the symbols corresponding to the second category (Col. 3, [0027], FIG. 2).

Regarding Claims 19 and 26, (Original) the method of claims 17 and 24 respectively, **MILLINGTON** further teaches comprising selecting the text character displayed in the first functional area (Col. 3, [0027], FIG. 2).

Regarding Claims 20 and 27, (Original) the method of claims 18 and 26, **MILLINGTON** further teaches comprising displaying the selected text character in the second functional area (Col. 3, [0029], FIG. 2).

Regarding Claims 21 and 28, (Original) the method of claims 15 and 22 respectively, **MILLINGTON** further teaches comprising:

displaying in the first functional area a first icon that represents a text character which has one of the symbols corresponding to the first category (Col. 3, [0027], FIG. 2), and

displaying in the first functional area a second icon that represents part of a text character, the first icon and the second icon having the same symbols (Col. 3, [0028], FIG. 2).

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **MILLINGTON (US Pub. No. 2002/0067335)** in view of **King et al. (US Patent. No. 6307549)** and further in view of **Chen (US Patent No. 6054941)**.

Regarding Claim 13, **MILLINGTON** and **King et al.** teach the text entry system of claim 12.

However, **MILLINGTON** and **King et al.** do not teach a symbol having both the first feature and the second feature is included in both the first category and the second category.

In the same field of endeavor, **Chen** teaches a symbol having both the first feature and the second feature is included in both the first category and the second category (e.g. buttons 1 and 2, FIG. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** and **King et al.** teachings of a text inputting device with different categories and features **Chen** teaching of having common

features in both categories in order to benefit of quickly accessing either category since a symbol having both features included in both categories.

***Response to Arguments/Amendments/Remarks***

3. Applicant's arguments with respect to Claims 1, 15, and 22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VTL/

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